



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 19, 2009**

**House Bill 6681, An Act Concerning The Service Of Restraining Orders
For Relief From Domestic Abuse**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, in opposition to House Bill 6681, *An Act Concerning the Service of Restraining Orders for Relief from Domestic Abuse*.

Section 1 of the bill marks a radical departure from the current mechanism of serving restraining orders, and contains a number of impracticalities for the Judicial Branch. Namely, the section would:

- Place the court clerk in the role of facilitating service, thereby creating a perception of a clerk's office bias in favor of the applicant which does not currently exist and which ought not be created;
- Allow a marshal to request that the hearing on the order be rescheduled, without taking into account the fact that the court clerk simply does not have the authority to "revise" the hearing date or considering the possibility that the existing ex parte order could expire in the interim if a hearing was re-scheduled unilaterally;
- Seemingly allow only in-hand service, without allowing the court to find that another type of service, such as abode, is lawful; and
- Compel the court clerk to spend a huge amount of time and resources tracking state marshal activity and subsequently generating a report, interfering with the regulatory authority of the State Marshal Commission.

It also bears noting that in 2005, the Judicial Branch, with extensive assistance from the State Marshal Commission and the United States Department of Justice, implemented an around-the-clock telephone voice recognition system for state marshals to report the service of restraining orders to the courts. Passage of this bill would create duplicative and less-timely procedures for the marshals and clerks.

The Branch also opposes Subsection (k) of Section 2, which would compel us to post on our website information on the procedure for filing a complaint against a state marshal and a copy of the complaint form. As members of the committee are aware, state marshals are not overseen by the Judicial Branch; these process-serving individuals are overseen generally by an Executive Branch entity, the State Marshal Commission. Therefore, we believe complaint information would be more appropriately placed either on a website created by the State Marshal Commission, or on the Department of Administrative Services' website, since applications to become a state marshal are found there. Putting information on the Judicial Branch's website will further foment the confusion between state and judicial marshals - who are Judicial Branch employees - and create the false impression that the Branch has a role in their appointment and/or job performance.

Finally we oppose Section 3 of the bill, which would mandate that the Branch conduct a detailed cost-benefit analysis to determine whether state marshals ought to become state employees. Respectfully, it is not the role or function of the Judicial Branch to carry out such a task, nor do we have the staff to do it at a time when we are stretched thin handling our core responsibilities. We suggest that a study of this sort is more properly conducted by either the legislature's Program Review Committee or by the Office of Policy and Management.

Thank you for the opportunity to testify.